



Forest  
Service

Monongahela National Forest

200 Sycamore Street  
Elkins, WV 26241  
304-636-1800

File Code: 5350/2670/1950-1  
Route To:

Date: June 27, 2013,

Subject: Categorical Exclusion for Forest-wide Cave Closure

To: File

### My Decision

I have decided to issue a closure order that prohibits public entrance into any cave in the Monongahela National Forest, unless the cave is specifically posted open. This order is being issued under the authority of the Act of Congress dated June 4, 1897, as amended (16 U.S.C. 551), and pursuant to the Secretary of Agriculture's regulations set forth at 36 CFR Part 261, Subpart B (36 CFR 261.50 (a)). The order applies to Monongahela National Forest controlled lands, waters and administrative units in Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster Counties in the State of West Virginia.

All caves on the Monongahela have been closed since 2009 due to the spread of White-nose Syndrome (WNS), a fungal disease that has killed millions of bats in the eastern United States over the last six years. This disease is known to currently occur in caves on the Monongahela, home to federally endangered Indiana and Virginia big-eared bats, as well as four Regional Forester's sensitive species of bats (eastern small-footed bat, tri-colored bat, little brown myotis, and northern myotis). This prohibition is intended to 1) limit the spread of *Geomyces destructans* (*Gd*), the fungus thought to be the causative agent of WNS and 2) reduce disturbance to individual bats and bat populations where they are most vulnerable as they try to survive or persist through this disease. There is no ground or vegetation disturbance or new impacts to terrestrial or aquatic habitats anticipated as a result of this administrative closure.

We have already learned much during the last few years of cave closures and monitoring, though much of what we have learned has not been encouraging. For example, we have learned that bat mortality has increased dramatically due to WNS, that WNS is likely transferred from cave to cave by bats as well as humans, and that WNS is persistent in cave soil once it is introduced. However, we have also learned that some bat species seem to be more susceptible to WNS than others, and recent population monitoring within hibernacula indicates that some populations may be leveling off after their precipitous declines in the northeastern United States. However, bat populations in West Virginia continue to show declines. Are some bat individuals or species more resistant to WNS? Have bats begun to seek out new hibernacula on or off the Forest? These questions have no definite answers yet, and there is obviously more to learn, but we do feel we are making some progress.

The next few years will be a critical time for bat species on the Forest, a time when we may well see more of them federally listed under the Endangered Species Act. We want to spend this time working with researchers, agencies such as the U.S. Fish and Wildlife Service and West Virginia



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Division of Natural Resources, and the local cave community to gather more information about bat species, WNS, and the caves on the Forest, with the ultimate goal of producing a cave management plan that will guide us into the future. Such a plan is also consistent with the Cave Protection Act of 1988 to identify and protect all significant federal caves and their resources. We have begun the plan development process and we expect to complete it within 1-3 years. I want to have this plan in place or have accepted scientific direction on cave management for bats before I make any future decisions on cave openings. Therefore, I am closing caves with this order until the development of a cave management plan or receipt of new information regarding WNS which would inform and persuade the rescinding of the Closure.

Pursuant to the provision of 36 CFR 261.50 (e), the following persons are exempt from this order:

1. Any Federal, State, or local officer, or member of an organized rescue in performance of an official duty (36 CFR 261.50(e)(4)); and
2. Persons with a permit specifically authorizing the otherwise prohibited act or omission (36 CFR 261.50 (e)(1)).

### **Forest Plan Consistency**

I find this project to be consistent with the following desired conditions and management direction in the Monongahela National Forest Land and Resource Management Plan:

**Desired Conditions:** Habitats for Threatened and Endangered Species are managed to maintain or enhance populations consistent with established and approved Recovery Plans. TEP management is coordinated with management of other resources to contribute to species recovery and achieve multiple-use objectives...Effects from Forest programs or activities are at levels that do not threaten the persistence of TEP species populations. (p. II-22)

**Goal TE01:** Provide habitat capable of contributing to the survival and recovery of species listed under the ESA. (p. II-22)

**Goal WF01:** Provide habitat diversity that supports viable populations of native and desired non-native wildlife and fish species, including Management Indicator Species, game species, and furbearers, and keeps Regional Forester sensitive species from a trend toward federal listing. (p. II-29)

**Goal WF02:** Manage human-caused disturbances to help protect wildlife and fish populations during critical life stages. (p. II-29)

**Standard WF17:** Temporary, season, or permanent closures may be implemented for areas and transportation routes to address concerns over human-caused disturbances during critical life stages such as nesting, denning, or spawning. Coordinate closures with WV DNR. (p. II-31)

## Categorical Exclusion

I have concluded that my decision to implement this cave closure is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment consistent with the Code of Federal Regulations (CFR), specifically 36 CFR 220.6(d)(1): “Orders issued pursuant to 36 CFR part 261—Prohibitions to provide short-term resource protection or to protect public health and safety.” This order is designed to provide short-term protection to federally listed bat species, Regional Forester sensitive species, other species of bats, and their habitats. The order will result in no disturbance to the species of concern or their habitats. A project file and decision memo are not required for this categorical exclusion. This letter to the file serves to document the NEPA process and the rationale for categorical excluding this project.

Direction provided in 36 CFR 220 also requires the Responsible Official to consider whether extraordinary circumstances related to a proposed action warrant analysis in an Environmental Assessment or Environmental Impact Statement. Direction also states that the mere presence of these resources does not preclude use of a categorical exclusion. This project was analyzed for the following resource conditions [36 CFR 220.6(b)] and the results are as follows:

**a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:** The closure would result in no new impacts to terrestrial or aquatic habitats. No ground or vegetation disturbance is proposed. The closure is intended to 1) limit the spread of *Geomyces destructans* (*Gd*), the fungus thought to be the causative agent of WNS and 2) reduce disturbance to individual bats and bat populations where they are most vulnerable as they try to survive or persist through this disease. The closure is considered a beneficial effect on federally listed or proposed species, which required consultation with the U.S. Fish and Wildlife Service. They concur with the finding of “May Affect Not Likely to Adversely Affect-Beneficial” for the Virginia big-eared bat and the Indiana bat. A “no effect” finding has been identified for other TEP species.

**b. Floodplains, wetlands, or municipal watersheds:** Although wetlands, floodplains, and municipal watersheds may exist adjacent to caves that are to be closed, there will be no impacts to these resource conditions from this closure order, which is an administrative action only.

**c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:** There are hundreds of caves scattered throughout the Monongahela National Forest and an unknown number of these caves exist within congressionally designated areas, including wildernesses and the Spruce Knob Seneca Rocks National Recreation Area (NRA).

Effects analysis for wilderness considers potential impacts to wilderness attributes, including natural appearance, natural integrity, special features, opportunity for primitive recreation, and opportunity for solitude. Because this is an administrative closure, there will be no effect to natural appearance, natural integrity, or special features from ground or vegetation disturbance. However, a cave closure has the potential to negatively affect opportunities for primitive recreation and solitude for those visitors who may be looking for those opportunities through a wilderness caving experience. As stated above, cave numbers and usage are unknown on this

Forest, including in wildernesses. Therefore we cannot say with certainty what effect or constraint there would be, if any, on wilderness visitors.

**d. Inventoried roadless areas:** An unknown number of caves exist within inventoried roadless areas on the Forest. However, this closure order will result in no environmental effects to these areas, as it is an administrative action, with no associated ground or vegetation disturbance.

**e. Research Natural Areas:** There are no established Research Natural Areas on the Forest, but there are four candidate areas. This closure order will result in no environmental effects to these areas, as it is an administrative action, with no associated ground or vegetation disturbance.

**f. American Indians and Alaska Native religious or cultural sites:** There are no tribal trusts or ceded lands in the proclamation boundary or in West Virginia. There are also no federally recognized Indian tribes in West Virginia. Given the absence of tribal connection to the project area, and the administrative nature of this closure, I find this decision will have no effect on American Indian or Alaskan native religious or cultural sites.

**g. Archaeological sites, or historic properties or areas:** The activities described in this project fall within the exemptions found in the Forest's Programmatic Agreement with the WVSHPO and ACHP. Therefore, no archaeological fieldwork or further consultation or documentation is required. Given the administrative nature of this action, this decision will have no effect to cultural resources.

There are no extraordinary circumstances. This action is not subject to appeal pursuant to 36 CFR 215.8(a) (4). The closure order may be implemented immediately.

  
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CLYDE N. THOMPSON  
Forest Supervisor



ORDER NO. 09-21-13-13

**CLOSURE ORDER OF THE FOREST SUPERVISOR  
RESTRICTING OCCUPANCY AND USE, TO WIT:  
CAVES LOCATED IN THE  
MONONGAHELA NATIONAL FOREST, WEST VIRGINIA**

Under the authority of the Act of Congress dated June 4, 1897, as amended (16 U.S.C. 551), and pursuant to the Secretary of Agriculture's Regulations set forth as 36 CFR Part 261, Subpart B (36 CFR 261.50(a) and (b)), the following acts and omissions are prohibited on the Monongahela National Forest lands located in Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster Counties, West Virginia. Said areas being described and designated as shown on the map set forth as Exhibit A, which is attached and made a part hereto:

**Entering or being in or using any cave on National Forest System lands within the Monongahela National Forest, unless the cave is specifically posted open. 36 CFR 261.53 (a), (b), and (d).**

**THESE RESTRICTIONS ARE NECESSARY TO PROTECT ENDANGERED, THREATENED, AND SENSITIVE BAT SPECIES. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR PART 261. THIS ORDER WILL REMAIN IN PLACE UNTIL THE DEVELOPMENT OF A CAVE MANAGEMENT PLAN OR RECEIPT OF NEW INFORMATION REGARDING WHITE NOSE SYNDROME WHICH WOULD INFORM AND PURSUADE THE RESCINDING OF THIS CLOSURE.**

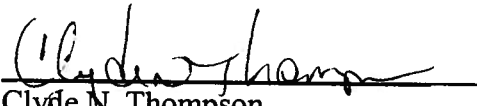
The need for this closure is documented in the Categorical Exclusion Letter to the File signed on this same day.

Pursuant to the provisions of 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with permit specifically authorizing the otherwise prohibited act or omission (36 CFR 261.50(e)(1)); and,
2. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty (36 CFR 261.50(e)(4)).

**Violation of these prohibitions is punishable by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization, or imprisonment for not more than six (6) months, or both (16 U.S.C., 18 U.S.C. 3559 and 3571).**

Dated this 27<sup>th</sup> day of June, 2013, at Elkins, West Virginia.

  
Clyde N. Thompson  
Forest Supervisor  
Monongahela National Forest